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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,014	04/08/1999	SAID O. BELHAJ	BELHAJ-1	6965

7590 09/23/2004  
FARKAS & MANELLI  
2000 M STREET N W 7TH FLOOR  
WASHINGTON, DC 200363307

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/288,014

**Applicant(s)**

BELHAJ, SAID O.

**Examiner**

Jefferey F Harold

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 08 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1, 3-15 and 17*** are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes et al. (United States Patent 4,087,638), hereinafter referenced as Hayes.

Regarding **claim 1**, Hayes discloses a DTMF communication system. In addition, Hayes discloses a tone dialer, comprising: a dial buffer adapted to contain a plurality of tone generator commands, and a tone generator adapted to generate tones in accordance with a sequence of said plurality of tone generator commands, wherein said tone generator commands include a first command corresponding to a mimicked activation of a particular key, and a second command corresponding to a mimicked release of said particular key, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 3**, Hayes discloses everything claimed as applied above (see claim 1), in addition Hayes discloses a timer to time a generated length of tones when said dial buffer contains a plurality of non-null commands, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 4**, Hayes discloses everything claimed as applied above (see claim 3), in addition Hayes discloses wherein when said dial buffer contains no more

than one non-null command, said tone generator is adapted to generate said non-null tone until said second command is received, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 5**, Hayes discloses everything claimed as applied above (see claim 1), in addition Hayes discloses wherein the dial buffer and said tone generator are comprised in a single processor device, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 6**, Hayes discloses everything claimed as applied above (see claim 5), in addition Hayes discloses wherein the single processor device is a digital signal processor, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 7**, Hayes discloses everything claimed as applied above (see claim 1), in addition Hayes discloses wherein the dial buffer is a first in, first out device, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 8**, Hayes discloses everything claimed as applied above (see claim 1), in addition Hayes discloses wherein the dial buffer is adapted to contain a stop DTMF tone generator command in every other location, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claim 9**, Hayes discloses everything claimed as applied above (see claim 1), in addition Hayes discloses wherein the generated tones are dual tone,

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multiple frequency, tones, as disclosed at column 5, line 34 through column 8, line 4 and exhibited in figures 1 and 2.

Regarding **claims 10-15 and 17**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claim 1 and 3-9.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of well know prior art (MPEP 2144.03).

Regarding **claim 2**, Hayes disclose everything claimed, as applied above, (see claim 1), however, Hayes fails to disclose wherein the dial buffer is circular. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the dial buffer is circular.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hayes by specifically providing wherein the dial buffer is circular, for the purpose of continual storage of DTMF data.

Regarding **claim 16** it is interpreted and thus rejected for the reasons set forth above in the rejection of claim 2.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
September 17, 2004

Jefferey F Harold  
Examiner  
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